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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,082	12/29/2000	Eric C. Anderson	P212/1976P	4003
29141	7590	04/21/2004	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			COFFY, EMMANUEL	
			ART UNIT	PAPER NUMBER
			2157	3
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,082	ANDERSON, ERIC C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 December 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                          |                                                                             |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .                                              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                          | 6) <input type="checkbox"/> Other: _____ .                                  |

### **DETAILED ACTION**

1. This action is responsive to the application filed on December 29, 2000. Claims 1-37 are pending. Claims 1-37 represent method and apparatus for a meta-application architecture for integrating photo-service websites for browser-enabled devices.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: missing serial no. on page 2, line1; the word "they" at line 9 on page 2 should be "the"; the word "inherit" at line 7 on page 5 should be "inherent"; at line 13 the sentence: "because of the web browser does not allow the upload web page... is awkward, the word "of" in because of should be removed; on page 16, line 18 step 114 is found in FIG. 2B rather than 2A, ditto for step 116 at line 20; at lines 12, 18, 20, 23 on page 17 the item 4242 is not found anywhere on the drawings; that same 4242 is repeated at line 14 on page 18; line 4, page 26 claim 17 should read: The system of claim 16 wherein...and finally on page 27 at line 8 it should read "...web application may operate on all of the user's... ." Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. §112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-27 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed function of the second server in claim 22 is unclear.

Claims 22-27 recite the limitation "second server" in line 10 of claim 22. There is insufficient antecedent basis for this limitation.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-37 are rejected under 35 USC 102(b) as being anticipated by LeMole et al. (US 6,009,410).

a) Claims 1 and 12:

As for above claims, a method and apparatus claims respectively, the recitation pertains to a system for integrating web photo-services for a browser-enabled device. The system is composed of a server communicating with a device over a network and associating images stored on a photo-service site with a user account. Transactions such as receiving from the device inventory of images stored on the device and providing image –related web application to the device are interactively performed.

LeMole discloses such a system in Fig.1 as a server (110, 111) connected to the Internet (103) and is accessed by the user at client terminal (101) through that client terminal browser's program. See column 4, lines 5-16. A client terminal with a browser's program could be any system so equipped. As a matter of fact, small devices such as cell phones are now browser enabled and hence may perform such task as selecting a web application if so programmed.

The user is connected to an Internet service provider (IASP 102) or photo-service site with a user account receiving not just images but banner, video-clip, a composite

page. See column 5, lines 3-5. These sites (IASP or photo-service site) often provide interactive games geared in combination with self-advertising the provider's services and/or products. See column 3, lines 62-65. A photo-service site with a user account is nothing other than an Internet Service Provider (ISP).

Furthermore, in accordance with the invention a Content server (108) comprising a web site (110) and an associated separate server (111) is disclosed. LeMole also teaches using "push" technology, transmitted over the Internet to client terminal for storage within a cache to be immediately ready for display to that user as soon as he or she enters the commercial mode. See column 6, lines 28-31.

LeMole's system teaches a server communicating with a device over a network, associating images stored on an ISP site, the client's terminal interactively communicating with the server receiving image-related web application and providing a list of images associated with a client's account. Thus, LeMole is indistinguishable from the present invention. It follows that the subject invention reads on LeMole, therefore it anticipates the present invention and above claims are thus rejected.

b) Claims 2 and 13:

The above claims recite the limitation wherein the user selects a web application from the browser-enabled device.

LeMole teaches that the browser program in client terminal can select a web application in this case accessing a URL to a Mapping database located elsewhere on the Internet. See column 5, lines 63-66.

c) Claims 3-4 and 14-15:

The limitations recited by these claims pertain to retrieving the image whether stored locally or remotely. If stored remotely, the server fetches, resizes, converts the image and passes a URL to the client. Similarly, LeMole teaches the invention as claimed starting at line 25 of column 6 through line 45. LeMole also explicates the details of passing a URL at column 5, lines 23-60.

d) Claims 5-10 and 16-20:

These claims recite limitations having to do with the web browser rendering the images, the user being able to perform functions on selected images and showing to the user applications via hyperlinks on a web page. Again, LeMole teaches the specific limitations of the invention at column 4 line 15-35 and column 5 lines 34-40.

e) Claims 11 and 21:

These claims have to do with including metadata for each image sent by the server to the web application. According to Microsoft Computer dictionary, metadata is data about data. As presented by the teachings of LeMole, operations involving metadata are found at column 4, lines 56-58, column 5, lines 63 trough column 6, line 19 and throughout the disclosure.

5. Claims 22-37 do not teach or define any significantly new limitation above and beyond claims 1-21 to warrant particular treatment, and therefore are rejected for similar reasons.

6. As for claim 24, it is further objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 24 is objected to because it does not further limit the dependent claim 22. Claim 22 recites that the web application may operate on all of the user's files. Claim 24 would further limit 22 if it said that the function would be limited to performing imaging related function. As it is written claim 22 may perform that function anyway. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Katz et al. (U.S. 5,926,624) teaches "Digital Information Library and Delivery System with Logic for Generating Files Targeted to the Playback Device."
- Helfman (U.S. 6,119,135) teaches " Method for passively browsing the Internet using images extracted from web pages."
- Acosta et al. (US 6,166, 729) teaches " Remote Digital Image Viewing System and Method."
- Morris (U.S. 6,453,361) teaches "Meta-Application Architecture for Integrating Photo-Service Websites."
- Anderson (U.S. 6,567,122) teaches " Method and System for Hosting an Internet Web Site on a Digital Camera."
- Sheets (U.S. 4,513,373) teaches " Local Area Network."
- The Examiner asserts that Claims 1-37 could have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katz et al. (US 5,926,624) as

applied to claims 1-37, in view of Acosta et al. (US 6,166,729) and in further view of Halfman (US 6,119,135).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 16, 2004

  
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